

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference W1.2242PCT	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/051376	International filing date (day/month/year) 07.07.2004	Priority date (day/month/year) 11.07.2003
International Patent Classification (IPC) or national classification and IPC B41F31/00, B41F31/30, B41F7/36, B41F13/02		
Applicant KOENIG & BAUER AKTIENGESELLSCHAFT		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>1</u> sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input checked="" type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I	Basis of the report
1.	<p>With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.</p> <p><input type="checkbox"/> This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:</p> <p style="margin-left: 20px;"> <input type="checkbox"/> international search (Rule 12.3 and 23.1(b)) <input type="checkbox"/> publication of the international application (Rule 12.4) <input type="checkbox"/> international preliminary examination (Rule 55.2 and/or 55.3) </p>
2.	<p>With regard to the elements of the international application, this report is based on <i>(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)</i>:</p> <p><input type="checkbox"/> the international application as originally filed/furnished</p> <p><input checked="" type="checkbox"/> the description:</p> <p style="margin-left: 20px;">pages <u>1-33</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">pages* _____ received by this Authority on _____</p> <p style="margin-left: 20px;">pages* _____ received by this Authority on _____</p> <p><input checked="" type="checkbox"/> the claims:</p> <p style="margin-left: 20px;">nos. <u>4-11</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">nos.* _____ as amended (together with any statement) under Article 19</p> <p style="margin-left: 20px;">nos.* <u>1-3</u> _____ received by this Authority on <u>06.05.2005 with letter</u></p> <p style="margin-left: 20px;">nos.* _____ received by this Authority on <u>of 26.04.2005</u></p> <p><input checked="" type="checkbox"/> the drawings:</p> <p style="margin-left: 20px;">sheets <u>1/14-14/14</u> _____ as originally filed/furnished</p> <p style="margin-left: 20px;">sheets* _____ received by this Authority on _____</p> <p style="margin-left: 20px;">sheets* _____ received by this Authority on _____</p> <p><input type="checkbox"/> a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.</p>
3.	<p><input type="checkbox"/> The amendments have resulted in the cancellation of:</p> <p style="margin-left: 20px;"><input type="checkbox"/> the description, pages _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the claims, nos. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the drawings, sheets/figs _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the sequence listing (specify): _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>
4.	<p><input type="checkbox"/> This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).</p> <p style="margin-left: 20px;"><input type="checkbox"/> the description, pages _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the claims, nos. _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the drawings, sheets/figs _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> the sequence listing (specify): _____</p> <p style="margin-left: 20px;"><input type="checkbox"/> any table(s) related to sequence listing (specify): _____</p>

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. IV Lack of unity of invention

1. ☒ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
 - ☒ paid additional fees.
 - ☐ paid additional fees under protest.
 - ☐ neither restricted the claims nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:
- ☐ complied with.
 - ☒ not complied with for the following reasons:
- The general concept that links independent claims 1 and 3 to independent claim 7 comprises the following features:
- "printing unit of a printing machine having a form cylinder and an inking unit, the inking unit having a first, a second and a third friction cylinders, as well as a plurality of inking and form rollers, it being possible for a first front inking path to be formed from the first friction cylinder to the rotating form cylinder via the second friction cylinder, and for a second rear inking path to be formed from the first friction cylinder to the rotating form cylinder via the third friction cylinder, relative to the sequence of inking operations".
- However, a printing unit having these features is not novel, since it was already disclosed in each of the documents DE-A-4439144 (D1) and DE-A-2932105 (D2), for example (see the references in the search report).
- Consequently, there is no technical relationship between claims 1 and 3 on the one hand and claim 7 on the other hand, within the meaning of PCT Rule 13.2, and the requirement of PCT Rule 13.1 for unity of invention is not met.
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
 - ☐ the parts relating to claims Nos. _____

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	1-11	YES
	Claims		NO
Inventive step (IS)	Claims	1-11	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-11	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. The prior art closest to the subject matter of claims 1 and 3 is document D1, which discloses a printing unit having the features of the preamble of claims 1 and 3.			
<p>The subject matter of claim 1, insofar as it is comprehensible within the meaning indicated in Box VIII, differs from D1 in that an inking roller is movably arranged in the inking unit in such a way that, depending on the position of the inking roller, the second inking path optionally receives ink either by direct contact between the inking roller and the first friction cylinder or by direct contact between the inking roller and the second friction cylinder.</p>			
<p>The subject matter of claim 3 differs from D1 in that an inking roller is movably arranged in the inking unit in such a way that, depending on its position, the front inking path, which extends from the first friction cylinder to the form cylinder via the second cylinder, is optionally closed or entirely blocked, while an existing rear</p>			

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
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inking path from the first friction cylinder to the form cylinder via the third friction cylinder remains.

The subject matter of claims 1 and 3 is therefore novel.

The differentiating features of claims 1 and 3 correspond to each other in that the paths which the ink can take in the train of cylinders are variable and solve the stated problem of making the inking units more flexible and adaptable to different printing conditions.

Neither document D1, nor any of the other citations, either alone or in combination, can suggest the combination of features in claims 1 and 3 to solve the stated problem.

Claims 1 and 3 therefore involve an inventive step and, together with the advantageous developments in dependent claims 2, 4-6 and 9-11, meet the requirements of PCT Article 33(1) to 33(4).

2. The prior art closest to the subject matter of claim 7 is document D2, which discloses a printing unit having the features of the preamble of claim 7.

The subject matter of claim 7 differs from D2 in that the second friction cylinder can be optionally associated with the inking unit alone,

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

with the dampening unit alone or with the printing and dampening units together by re-adjusting the cylinders in the normal course of operation.

The subject matter of claim 7 is therefore novel.

This solves the problem of permitting a flexible reaction to changes in printing conditions by influencing the humidity and ink supply and their balance.

Neither D2 nor any of the other citations, alone or in combination, can suggest the combination of features in claim 7 for solving the stated problem.

Claim 7 therefore involves an inventive step and, together with the advantageous developments in dependent claims 8-11, meets the requirements of PCT Article 33(1) to 33(4).

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The subject matter of claim 1 is unclear (PCT Article 6) because the terms "front" and "rear" ink paths lack a reference. These terms should have been specified by the phrase, "relative to the sequence of inking operations", as indicated in claim 3.

Moreover, "the cylinder (318)" should have been designated "this inking cylinder (318)" for reasons of clarity.